

Article - Real Property

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§8–404.

(a) In this section, “claimant” means the person identified by a tenant or person in possession as someone who claims title to the property leased or possessed by the tenant or person in possession.

(b) (1) In any action brought under § 8–401 or § 8–402 of this subtitle or § 14–132 of this article, if the tenant or person in possession shall allege that the title to the property is disputed and in the case of a lease, that title is claimed by a claimant whom the tenant shall name, by virtue of a right or title accruing or happening since the commencement of the lease, by descent or deed from or by devise under the last will or testament of the landlord and, otherwise, if the person in possession or any claimant is alleged to have title, then the court shall, upon determination that title is relevant, forbear to give judgment for possession and costs.

(2) The tenant or person in possession so claiming shall cause a summons to be immediately issued to the claimant by the District Court and made returnable within 5 days next following.

(3) The claimant shall appear before the court and shall under oath, declare that the claimant claims title to the property which is the subject of the action and shall, with two sufficient securities, enter into bond to the plaintiff or parties in interest, in such sum as the court shall determine to be proper and reasonable security to said plaintiff or parties in interest, to prosecute with effect the claimant’s claim in the circuit court for the county.

(4) If the said claim shall not be commenced in the circuit court within 10 days of the first appearance of the claimant in the District Court, the District Court shall proceed to give judgment for possession and costs and issue its warrant.

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